

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

CHRISTINA DIORIO-STERLING, AS
NOMINATED PERSONAL REPRESENTATIVE OF
THE ESTATE OF SCOTT R. STERLING, AND AS
WIDOW AND SOLE BENEFICIARY
OF THE ESTATE OF SCOTT R. STERLING,

Plaintiff,

v.

CAPSTONE MANAGEMENT, LLC; ROCHESTER
PRECISION OPTICS, LLC; ONPOINT SYSTEMS,
LLC; and KENNETH SOLINSKY,

Defendants.

Civil Action No. 21-cv-00569-LM

JOINT MOTION FOR ENTRY OF PROTECTIVE ORDER

Pursuant to Fed. R. Civ. P. 26(c) and LR 26.2, the parties in this action, Plaintiff Christina DiIorio-Sterling, as Nominated Personal Representative of the Estate of Scott R. Sterling, and as Widow and Sole Beneficiary of the Estate of Scott R. Sterling, and Defendants Capstone Management, LLC, Rochester Precision Optics, LLC, OnPoint Systems, LLC, and Kenneth Solinsky (collectively, the “Parties”), jointly move this Court for entry of the form of Protective Order attached hereto as Exhibit 1. The basis for this Joint Motion is as follows:

1. The Parties have determined that there is a need for a protective order, in order to protect confidential information produced in discovery.
2. The proposed Protective Order attached as Exhibit 1 has been agreed to by all Parties. It closely tracks this Court’s Civil Form 5 form of protective order.
3. In accordance with LR 26.2, the Parties state that the proposed Protective Order differs from Civil Form 5 in the following ways:

- a. The proposed Protective Order makes a slight modification to Civil Form 5 regarding deposition testimony designated as Confidential, by directing that the court reporter transcribe on separate pages any testimony so designated. *See* Exh. 1, ¶ 4. The Parties believe that this will facilitate keeping Confidential and non-confidential portions of deposition transcripts separate, and avoid the need to redact transcripts.
- b. The Parties have adjusted slightly the time periods for the meet-and-confer concerning any objections to confidentiality designations, and for filing a motion in the event the meet-and-confer is not successful, extending both from fifteen (15) to twenty-one (21) days. *See* Exh. 1, ¶ 9(b) & (c). The Parties did so to provide for sufficient time for a meaningful meet-and-confer.
- c. The Parties have extended slightly (from thirty (30) to forty-five (45) days) the amount of time for Parties to dispose of any Confidential materials following the conclusion of this matter. *See* Exh. 1, ¶ 12(b).

4. In accordance with LR 7.1(c), the Parties' counsel have conferred in good faith, and jointly request the relief sought in this Motion.

5. Pursuant to LR 7.1(a)(2), the Parties believe that a supporting memorandum is unnecessary because the relief requested herein is discretionary.

WHEREFORE, the Parties, Plaintiff Christina DiIorio-Sterling and Defendants Capstone Management, LLC, Rochester Precision Optics, LLC, OnPoint Systems, LLC, and Kenneth Solinsky., respectfully request that the Court:

- (A) Grant this Joint Motion, and enter the proposed Protective Order attached hereto as Exhibit 1; and

(B) Grant such other and further relief as the Court may deem just and equitable under the circumstances.

Dated: May 11, 2022

Respectfully submitted,

**CHRISTINA DIORIO-STERLING, AS
NOMINATED PERSONAL
REPRESENTATIVE OF THE ESTATE OF
SCOTT R. STERLING, AND AS WIDOW AND
SOLE BENEFICIARY OF THE ESTATE OF
SCOTT R. STERLING,**

By her attorneys,

/s/ Laura L. Carroll

Laura L. Carroll (NH Bar #17444)

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CAPSTONE MANAGEMENT, LLC,

By its attorneys,

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ROCHESTER PRECISION OPTICS, LLC,

By its attorneys,

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**ONPOINT SYSTEMS, LLC, and
KENNETH SOLINSKY,**

By their attorneys,

/s/ Mark T. Broth

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically served copies of this document and exhibits thereto on all counsel of record via the Court's CM/ECF system, pursuant to Fed. R. Civ. P. 5(b)(2)(E).

Dated: May 11, 2022

/s/ Laura L. Carroll

Laura L. Carroll